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JUN 04 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant: David Arlasky**  
**Serial No.: 10/623,960**  
**Filed: 17 July 2003**  
**Title: ROTATABLE PROPELLER**  
**DRIVEN ENGINE EXHAUST SYSTEM**  
**(Formerly: Improved Muffler)**

**Group Art Unit: 2837**

**Examiner: San Martin, Edgardo**

**CERTIFICATE OF FACSIMILE**

Pursuant to 37 C.F.R. § 1.8(a), I hereby certify that this paper (along with any paper identified as being attached or enclosed therewith) was transmitted via facsimile to 571/273-8300, on the date identified below, in accordance with the Rules.

Date: June 4, 2006

Martin Faier, Attorney (Reg. No. 20,294)

**DECLARATION OF DAVID F. ALARSKY**

DAVID F. ALARSKY, hereby declares, as follows:


1. Declarant is the inventor of and fully familiar with the invention disclosed and claimed in the above identified patent application, and he is fully familiar with the prosecution of said application. Declarant is an officer and employee of Alarsky Performance, Inc., of 15801 Rockfield Blvd., Units B and C, Irvine, CA 92618, the manufacturer and distributor of devices embodying the invention disclosed and claimed in said patent application, which are identified as ZOOMERS exhaust systems.

2. Since Declarant's employer has been offering devices embodying Declarant's said invention to customers, on information and belief unit and dollar sales of embodiments of said invention have risen from zero to the present amounts as shown on Exhibit A attached to this Declaration. Such products have had substantial acceptance in the exhaust systems industry and have enjoyed considerable commercial success.

3. Some of the customers of Alarsky Performance, Inc. have employed Automotive Testing and Development Services, Inc. to test their vehicles with and without exhaust systems embodying Declarant's invention. On information and belief, these vehicles were first tested with the exhaust systems on the respective vehicles and then Declarant's said systems were installed on said vehicles and they were again tested. The results of such tests were reported to Declarant. A copy of the said test results is attached, together with a page from the test company's website identifying that company and its business. These tests, made of six tow trucks, showed fuel improvement of an average of 11.53%. According to the US government, our country imports 1.1 million barrels of oil per day; if an 11.53% average savings resulted in US consumption of oil, the savings of imported oil would be 126,830 barrels of oil per day. While testing of Declarant's invention has been limited, Declarant believes the saving resulting from the tests conducted so far established a new and unexpected result for his said invention. In view of the national significance of fuel savings systems and products, which have moved in the direction of substitute fuels and improved engines, Declarant believes that improvements in exhaust systems like the system embodying the present invention represents a new and unexpected result from his said invention and movement of the prior art in a direction not usually taken by those interested in solving the present fuel crisis.

The undersigned, being hereby warned that willful false statements and the like so made are punishment by fine or imprisonment or both under 18 U.S.C. 1001, and that such willful

false statements may jeopardize the validity of the above identified patent application or any resulting patent, declares that all statements made herein of his own knowledge are true and all statements made on information and belief are believed to be true.

  
\_\_\_\_\_  
David F. Arlasky

**EXHIBIT A TO THE DECLARATION OF DAVID F. ALARSKY****1. Unit Sales of Exhaust Systems:(No sales prior to January, 2004)**

<u>Year</u>	<u>No. Of Months</u>	<u>No. Of units solds</u>
2004	12	416
2005	12	1194
2006*	5	629

\* Estimates sales for 12 months, 2006, 2246 units. Sales are strongest, June through December.

**2. Unit Sales of Exhaust Systems (No. Sales prior to January, 2004)**

<u>Year</u>	<u>No. Of Months</u>	<u>Sales</u>
2004	12	\$249,952.34
2005	12	\$716,401.36
2006	5	<u>\$377,580.92</u>



### Test Result Summary

Baseline Tests			FTP-75			
Date	Test ID	THC	CO	NO <sub>x</sub>	NMHC	FE
B-1	9/10/2004 ONT01952	0.068	0.420	0.094	0.060	14.674
B-2	9/12/2004 ONT01959	0.069	0.730	0.084	0.061	14.706
B-3	9/13/2004 ONT01967	0.067	0.672	0.092	0.057	14.873
Average		0.068	0.607	0.090	0.059	14.751

		HWFET				
		THC	CO	NO <sub>x</sub>	NMHC	FE
B-1	9/10/2004 ONT01952	0.007	0.125	0.010	0.004	23.073
B-2	9/12/2004 ONT01959	0.010	0.151	0.024	0.004	23.248
B-3	9/13/2004 ONT01967	0.010	0.132	0.025	0.004	23.356
Average		0.009	0.136	0.020	0.004	23.226

With Zoomers Exhaust System			FTP-75			
Date	Test ID	THC	CO	NO <sub>x</sub>	NMHC	FE
M-1	9/21/2004 ONT02038	0.056	0.487	0.078	0.050	14.546
M-2	9/22/2004 ONT02051	0.054	0.541	0.088	0.047	14.518
M-3	9/23/2004 ONT02065	0.054	0.451	0.092	0.046	14.467
Average		0.054	0.493	0.086	0.047	14.510

		HWFET				
		THC	CO	NO <sub>x</sub>	NMHC	FE
M-1	9/21/2004 ONT02038	0.006	0.157	0.009	0.004	22.887
M-2	9/22/2004 ONT02051	0.009	0.188	0.029	0.004	22.816
M-3	9/23/2004 ONT02065	0.010	0.172	0.036	0.006	22.950
Average		0.008	0.172	0.025	0.004	22.885

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**Medium Duty Fuel Test Results**



COMPANY  
Make  
Model/Year  
Engine  
Before MPG  
After MPG  
% Improvement  
Beginning ODO

TOWING  
GMC 6500  
2001 TOPKICK  
7.36  
8.56  
16.30%  
48,952



COMPANY  
Make  
Model/Year  
Engine  
Before MPG  
After MPG  
% Improvement  
Beginning ODO

TOWING  
Nissan UD  
1994  
Nissan  
7.91  
8.76  
10.75%  
128,753



COMPANY  
Make  
Model/Year  
Engine  
Before MPG  
After MPG  
% Improvement  
Beginning ODO

TOWING  
Ford F-550  
2004  
V-10 Triton  
5.30  
6.88  
10.94%  
28,753



COMPANY  
Make  
Model/Year  
Engine  
Before MPG  
After MPG  
% Improvement  
Beginning ODO

TOWING  
Ford F-550  
2004  
V-10 Triton  
6.36  
7.01  
10.22%  
68,752



COMPANY  
Make  
Model/Year  
Engine  
Before MPG  
After MPG  
% Improvement  
Beginning ODO

TOWING  
Ford F-450  
2003  
Ford  
7.76  
8.45  
8.89%  
74,839



COMPANY  
Make  
Model/Year  
Engine  
Before MPG  
After MPG  
% Improvement  
Beginning ODO

TOWING  
Ford F-650  
2004  
Ford  
7.04  
7.89  
12.07%  
56,425

# **AUTOMOTIVE TESTING AND DEVELOPMENT SERVICES, INC**

  
Corporate  
Information  
Emissions  
Testing  
General  
Durability  
Data Collection  
and Analysis  
In-Use Vehicle  
Procurement  
Home

## **INFORMATION IS THE KEY...**

### *Welcome to ATDS...*

ATDS offers full service engineering support to the automotive industry, specializing in emissions and durability testing.

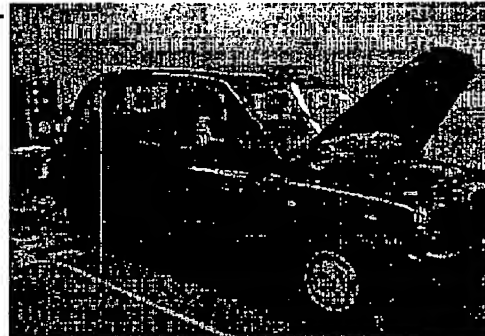
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**"The fact is, automakers will need more resources to meet the regulatory challenges they now face than were previously expended in the entire evolution of the automobile..."**

*Larry Smith, President, ATDS Inc.*

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Automakers and their suppliers are under greater pressure than ever today. Faced with growing regulatory burdens and consumers demanding greater value, cost efficiency isn't just a good idea--it's survival. ATDS is ready to help meet these challenges, with testing and analysis capabilities to meet a variety of needs.



We have the personnel, equipment and facilities to meet the needs of the next automotive generation. ATDS can provide flexible, comprehensive testing and development across a wide range of automotive disciplines. Our managers and technical professionals have decades of experience in automotive testing--experience that translates into cost-effective programs for our clients.

ATDS specializes in the following services to the automotive industry:

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General Durability Mileage

Accumulation

In-Use Vehicle Procurement

Engineering Data Collection and

Analysis

To request further information on how ATDS can help you with your automotive testing needs contact us at:

**ATDS**

**400 S. Etiwanda Avenue**

**Ontario, CA 91761**

**(909) 390-1100**

**(909) 390-9056 fax**

or you may reach us by e-mail at: [info@automotivetesting.com](mailto:info@automotivetesting.com)

Send mail to [webmaster@automotivetesting.com](mailto:webmaster@automotivetesting.com) with questions or comments about this web site.  
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